

Ordinance (2015) 436ZC709

Effective: 5-5-15

Z-33-14 - Tryon Road, located in the northeast quadrant of its intersection with Gorman Street, being Wake County PINs 0782878607 & 0782879687. Approximately 3.65 acres to be rezoned from Residential-10 w/ Special Residential Parking Overlay District & Special Highway Overlay District-1 (R-10 w/ SRPOD & SHOD-1) to Neighborhood Mixed Use-7 Stories Parkway-Conditional Use w/ Special Residential Parking Overlay District & Special Highway Overlay District-1 (NX-7-PK-CU w/ SRPOD & SHOD-1).

Conditions Dated: 04/16/15

1. Non-residential uses shall be limited to 20,000 square feet total for the two parcels. The following uses shall be prohibited: Tavern, bar, nightclub, lounge, vehicular fuel sales, eating establishment with drive through. Alcohol sales shall be limited to only restaurants as defined in N.C. G.S 188-1000 (6).
2. Building Types shall be limited to: Apartment, Townhouse, General Building, Mixed Use, Open Lot.
3. The build-to along the primary street (Tryon Road) shall be a maximum of 120 feet.
4. A maximum of 2 bays of surface parking with a single drive aisle shall be permitted between any building fronting Tryon Road, and the Tryon Road right of way.
5. A minimum of one primary street facing entrance shall be provided for each building fronting Tryon Road. Direct pedestrian access shall be provided from the public sidewalk to the primary street facing entrance of the building.
6. If so requested by the Transit Division, prior to the issuance of any building permit, or recording of a subdivision plat, whichever event first occurs, the owner of the property shall convey to the City of Raleigh a transit easement on Tryon Road measuring twenty (20) feet by fifteen (15) feet. If sidewalk improvements are part of the redevelopment, a 15'x20' concrete pad will be placed upon the easement. The precise location of the easement shall be approved by the Raleigh Public Works Department, Transit Division, and the City Attorney shall approve the transit easement deed prior to recordation.
7. Prior to recordation of a subdivision plat for the property or issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates the allowable floor area gross for retail sales uses upon the property to all lots of record comprising the property. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant, and such restrictive covenant shall be recorded within 45 days following its approval by City officials. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.

8. No 4-bedroom 'quad' style units are permitted.
9. All sides of any new building(s) on the site will be at least 25% brick. Other allowable siding materials include masonry, cementitious stucco, cementitious siding and/or panels, and wood siding or panels. No EIFS or vinyl siding is allowed as a siding material, EIFS may be used as a trim material only, for such elements as cornices and details.